

Case No.: 4:15-cv-01111

CENTRAL CONTRACTING & MARINE, INC.,  
for Exoneration from, or Limitation of, Liability.

## **CLAIMANTS' PETITION FOR APPROVAL OF WRONGFUL DEATH SETTLEMNT**

COME NOW Claimants Brittany Pigue, individually, and as Next Friend of minor RP, William Pigue and Theresa Alder, by and through their counsel, and respectfully requests this Court enter an Order approving the Wrongful Death Settlement herein as just, fair and in the best interest of the Class I beneficiaries and apportion the wrongful death proceeds to Claimants Brittany Pigue, RP, William Pigue and Theresa Adler consistent with the apportionment agreed upon by Claimants. In addition, Claimants request the Court approve payment of attorney's fees and litigation expenses. In support of their Petition, Claimants state as follows:

1. A limitation action is before this Court and arose from the alleged negligence of Central Contracting & Marine, Inc (hereinafter “CCM”) and the wrongful death of James Pigue who died on July 16, 2015.
2. James Pigue is survived by his wife, Brittany Pigue and his minor daughter, RP. James Pigue is also survived by his parents, William Pigue and Theresa Alder.
3. Claimants Brittany Pigue, RP, William Pigue and Theresa Alder are the only surviving Class I beneficiaries of James Pigue, deceased, who may be entitled to recover damages pursuant to §537.080, RSMO.
4. Claimants have made certain allegations against CCM which CCM has denied.
5. Subject to the approval of this Court, claimants Brittany Pigue, RP, William Pigue and Theresa Alder have agreed to a confidential settlement in an amount set for in the

Release of All Rights and Settlement Agreement. For said amount and other valuable consideration, Claimants Brittany Pigue, RP, William Pigue, Theresa Alder and CCM herein stipulate that the settlement is a full and complete settlement of any and all claims against CCM and the other released parties as identified and set forth in the Release of All Rights and Settlement Agreement executed by Claimants, Brittany Pigue, RP, William Pigue and Theresa Alder.

6. According to the facts and evidence herein, the aforementioned settlement is just, fair, reasonable and in good faith and in the best interest of the Class I beneficiaries of James Pigue.
7. This Court is authorized to enter an Order approving settlement of this wrongful death settlement and directing an apportionment of proceeds of settlement among those persons entitled thereto.
8. Claimants represent and affirm they will indemnify, defend and hold harmless CCM from all liens, including any liens by hospitals, physicians or governmental agencies, including Medicare and any workers' compensation liens, including those of Travelers Insurance, that may exist.
9. Onder, Shelton, O'Leary & Peterson, LLC was employed by a contingency fee contract to represent Claimants Brittany Pigue and RP, wherein Brittany Pigue agreed to compensate Onder, Shelton, O'Leary & Peterson, LLC for its litigation expenses and professional services.
10. Padberg, Corrigan & Appelbaum, LLC was employed by a contingency fee contract to represent Claimants William Pigue and Theresa Alder, wherein William Pigue and Theresa Alder agreed to compensate Padberg, Corrigan & Appelbaum, LLC for its

litigation expenses and professional services.

11. Subject to Court approval, the Claimants agree the details of the settlement shall remain confidential.

WHEREFORE, Claimants respectfully request the Court enter an Order, approving the confidential settlement as just, fair, reasonable and in good faith and in the best interest of the Class I beneficiaries, approve distribution of the settlement proceeds consistent with the agreement between the aforementioned Claimants and grant such further relief as this Court deems just and proper.

ONDER, SHELTON, O'LEARY &  
PETERSON, LLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on May \_\_, 2017, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's CM/ECF electronic filing system upon all attorneys of record.

/s/Michael W. Shelton